

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

NOTICE TO PRO SE PETITIONERS IN CUSTODY

Instruction for filing a complaint under the Civil Rights Act, 42 U.S.C. § 1983.

If you are filing, or plan to file, a complaint in this court, please be advised that:

- 1. The law requires that you pay the cost of filing a complaint, which is \$150.00. If you cannot pay this amount in its entirety, you may ask the court to allow you to proceed as a pauper. HOWEVER, EVEN IF YOU ARE ALLOWED TO BRING A CIVIL ACTION AS A PAUPER, YOU ARE STILL REQUIRED TO PAY THE FULL AMOUNT OF THE FILING FEE. The court will assess and, when funds exist, collect, as partial payment of any court fees, an initial partial filing fee of 20 percent of the greater of 1) the average monthly deposits to your account or 2) the average monthly balance in your account for the 6-month period immediately preceding the filing of the complaint. After payment of the initial filing fee, you are required to make monthly payments of 20 percent of the preceding month's income credited to your account. The agency having custody of you shall withhold and forward payments from your account to the clerk of the court until the filing fee is paid in full.**

An application to proceed as a pauper is attached to the complaint form. In addition, if you apply for pauper status, you must submit a certified copy of your inmate account statement or the institutional equivalent for the 6-month period immediately preceding the filing of the complaint obtained from the appropriate official of each prison at which you are or were confined during that period.

2. Your complaint must be on approved forms or substantially in conformity therewith.
3. You must file an original and one copy of your complaint for each defendant. All copies must be identical to the original.
4. The names of all parties must be listed on the front of your complaint as well as in Part III of your complaint. The names of all parties must be listed in both places exactly the same.

If more than one plaintiff is listed, each plaintiff must submit a separate page 5 with an original signature.

Your complaint should not contain legal arguments or citations. You are required to give facts.

Do not include exhibits with your complaint. If you do they will be returned to you. Any exhibits may be submitted at the time of hearing or trial.

You must file with your complaint a list and description of all cases you have filed in any federal court previously. Give the case number, section, magistrate judge number, and title of each case. State for each listed case whether it is directly related to the new complaint you are filing

5. All pleadings and other papers submitted for filing shall be on 8½" X 11" paper, double spaced, and legibly handwritten or typed. On the first page of each document, the top margin must be 2½", the bottom margin must be 1½", and the left and right margins must each be 1" from the edge of the page. On subsequent pages all margins will be no less than 1".
6. Every paper you file, after the complaint, must have the title, docket number, section and magistrate judge number.
7. All pleadings must be signed. A notary is not required.
8. A copy of everything you want filed, after the complaint, must be sent to the attorneys for the defendants. You must certify on the pleadings that you have done this.
9. A copy of your pleadings will not be sent back to you after filing unless you provide us with an extra copy and a stamped, self-addressed return envelope.
10. You should not correspond directly with U.S. Magistrate Judge or U.S. District Judge about your lawsuit. All pleadings and correspondence should be addressed to the Clerk of Court
11. Even if you are allowed to proceed as a pauper, you are not therefore eligible for free copies of pleadings. The clerk must charge you 50 cents per page for any copies you request. You must also specify what you want copied and you must furnish this office with a check at the time of your request. The amount of the check should equal the number of pages you want copied multiplied by 50 cents.
12. Your complaint and other papers will not be filed if they do not conform to these instructions. They will be returned to you with notification showing you where they do not conform.

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CIVIL ACTION

(Enter above the full name of the
plaintiff in this section.)

NO. _____

versus

SECTION _____

(Enter above the full name of the
defendant or defendants in this
action.)

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes () No ()

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit

Plaintiffs _____

Defendants _____

2. Court (If federal court, name of the district court; If state court, name the parish.)

3. Docket Number _____

4. Name of Judge to whom case was assigned _____

5. Disposition (For example: Was this case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

C. Have you had any previously filed federal lawsuits or appeals, whether or not related to the issues raised in this complaint, which have been dismissed as frivolous, malicious, or for failure to state a claim for which relief can be granted by any federal court?
Yes () No ()

If your answer is yes, list the civil action numbers and the disposition of each case. You also must identify in which federal district or appellate court the action was brought.

II. Place of Present Confinement: _____

A. Is there a prisoner grievance procedure in this institution?
Yes () No ()

B. Did you present the facts relating to this complaint in the prisoner grievance procedure?
Yes() No ()

C. If your answer is YES,

1. Attach a copy of all administrative complaints you have filed regarding the claims raised in this lawsuit and copies of all prison responses. If copies are not available, list the number assigned to the complaint(s) and approximate date it was presented to the prison. _____

2. As to each grievance complaint provided or listed above, have you exhausted or completed all steps in the procedure, including appeals?

D. If your answer is NO, Explain why you have not done so: _____

III. Parties

(In item A below, place your name in the first blank, your present address in the second blank and your date of birth in the third blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff _____

Address _____

Date of Birth _____

Prisoner Number _____

Date of Arrest _____

Date of Conviction _____

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.)

B. Defendant _____ is employed as _____

_____ at _____

C. Additional Defendants _____

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the name of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

VI. Plaintiff's Declaration

- 1) I declare under penalty of perjury that all facts represented in this complaint and any attachments hereto are true and correct.
- 2) I understand that if I am released or transferred, it is my responsibility to keep the Court informed of my whereabouts and failure to do so may result in this action being dismissed with prejudice.
- 3) I understand that I am prohibited from bringing a civil action in forma pauperis if I have brought three or more civil actions in a court of the United States while incarcerated or detained in any facility that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
- 4) I understand that even if I am allowed to proceed in forma pauperis, I am responsible for paying the entire \$150 filing fee and any costs assessed by the court, which shall be deducted from my inmate account by my custodian in installment payments as prescribed by law.

Signed this _____ day of _____, 19_____.

(Signature of Plaintiff)